

<b>LAS VEGAS POLICE DEPARTMENT</b>	<b>OPERATIONS</b>
<b>SUBJECT:</b> <i>Juvenile Operations</i>	<b>NUMBER:</b> OPR.4
<b>EFFECTIVE DATE:</b> <i>9 September 2010</i>	<b>REVIEW DATE:</b> 
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b> Chief of Police Gary Gold
<b>NMMLEPSC STANDARDS:</b> <i>OPR.04.01 – OPR.04.05</i>	<b>NMSA:</b>

I. **PURPOSE:**

The Purpose of this policy is to ensure the efficient and effective management of the Juvenile Operations function by providing administrative guidance that identifies the responsibilities and processes within the uniform and other components of the department.

II. **POLICY:**

It is the policy of the Las Vegas Police Department to manage the Juvenile Operations function in an effective and efficient manner by coordinating the efforts of uniform and all other organizational components as provided in this policy.

III. **APPLICABILITY:**

This policy is applicable to all commissioned employees of the Las Vegas Police Department.

IV. **REFERENCES:**

- A. NMMLEPSC OPR 04.01-04.05
- B. Children's Code, 32A-1-1 to 32A-20-1 NMSA 1978

V. **DEFINITIONS:**

- A. **Juvenile:** A person who has not reached the age of 18, at which one should be treated as an adult by the criminal justice system.
- B. **Delinquent Act:** An act committed by a child, which would be designated as a crime under the law if committed by an adult.
- C. **Delinquent Child:** A child who has committed a delinquent act.

D. Juvenile Probation and Parole Office/Officer: JPPO. Sub-Agency of CYFD that oversees juveniles after adjudication.

E. Children, Youth and Families Department: CYFD, Agency having authority over juveniles in the criminal justice system.

V. **PROCEDURE:**

I. Taking into custody

1. The purpose of this policy is to define departmental procedure and provide guidance to officers when handling juveniles. Law enforcement interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, officers will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Department shall be documented.
2. The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department does not identify anyone person or position to oversee juvenile operations, therefore it is the responsibility for all agency personnel and components to participate in and support the juvenile operations.
3. Delinquent Child
  - a. If a child is taken into custody, after arriving at the facility, the on-duty or on-call JPPO will be notified as soon as possible by the arresting officer. The officer will advise the dispatcher of the name, and other pertinent information. At that time, the JPPO will authorize either release or detention.
  - b. If the JPPO authorizes release, the appropriate paperwork will be completed and the juvenile will be released to a parent or guardian. The detaining officer will document the time, date and person the juvenile is released to.
  - c. If the JPPO authorizes the detention of the juvenile, the arresting officer will complete a 'Probable Cause Detention' form which will be attached to the arrest report.

**4. Intoxication:**

- a. If an officer comes into contact with a juvenile who is intoxicated and poses a danger to him/herself or others, the juvenile will be transported to the emergency room and every effort will be made to notify the parents or guardians. If a parent or guardian is not available JPPO and CYFD will be contacted.
- b. If the juvenile in custody is suspected of being under the influence of alcohol or drugs, the juvenile will be taken for a medical clearance at the hospital.

**II. Protection of rights**

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

1. The child will be brought to the Las Vegas Police Department without delay, unless the child is in need of emergency medical treatment.
  - a. The officer will make every attempt to contact parents or legal guardian and advise them that the child is in need of medical services. If no family member can be contacted, Children Youth and Families will be notified.
2. The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed.
3. The arresting officer will:
  - a. complete an Offense/Incident Report;
  - b. Read the child the Juvenile Rights Form and ask to if they would like to sign it. (attach to the O/I report).
  - c. If the child is to be detained, a 'Probable Cause Determination' will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.
    1. Officers shall obtain telephonic approval from district attorney first then a judge.
4. If the child is taken into custody a complete copy of the report and Statement of Probable Cause will be forward to the JPPO's.
5. Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

### **III. Parent Notification and Release**

1. The parents/guardians of the child will be contacted and advised the child has been taken into custody, the reason and whether they are being released or detained;
2. When the child is released from the Las Vegas Police Department, whether to a parent/guardian, or being transported to a detention facility, it will be noted on the incident report.

### **IV. Custodial Interrogation**

1. The guidelines of the Children's Code, 32A-1-1 to 32A-20-1, N.M.S.A. 1978, do not prohibit the officer from interviewing and taking statements from victims or witnesses of any age. While the presence of the parents/guardians is not mandatory during the interrogation of a juvenile, prior to taking this action, the officer(s) will confer with the parents/guardians. The interrogation shall be limited to no more than two (2) officers being present. The questioning will not last longer than two hours and there must be a thirty minute break before resuming interrogations. No child will be interrogated or questioned without first being advised of his constitutional rights and a waiver is secured, securing a knowing intelligent and voluntary waiver from the child. Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them. During the course of the interrogation, the officer will explain to the juvenile the department's procedure and the role of the juvenile justice system in investigations.

### **V. Criminal Citations**

1. Criminal citations may be issued to a person under the age of 18, and must have a parent or guardians signature.
2. The criminal offense must have been committed in the presence of the officer, before a citation will be issued.

### **VI. Traffic Citations**

1. All Municipal and Magistrate courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. No Municipal or Magistrate court shall incarcerate a child found guilty of any of the provisions of the Motor Vehicle Code or Municipal Traffic Code without first securing approval of the Children's Court. If the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.

## **VII. Handling of Juvenile Offenders**

1. When investigating offenses or incidents involving juvenile offenders, officers will use the most appropriate alternative. These alternatives may include:
  - a. release with no further action;
  - b. referral to Teen Court, or JPPO which ever is applicable;
  - c. custodial arrest with referral to juvenile authorities.
2. Based on the nature of the investigation, when an officer determines that a juvenile will not be arrested, he/she will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation.

## **VIII. Runaways and Endangered Children**

1. All runaway reports must be completed as soon as possible and the appropriate paper work faxed and mailed to New Mexico Vital Record and Health Statistics.
2. The Juvenile Probation and Parole Office must be notified in the event a runaway from another state is located since they are responsible for seeing that the child is returned to his/her home state.
3. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The dispatcher should notify the call taker that an officer needs a caseworker for an emergency placement of an endangered child.
4. If time becomes a critical issue and it is feasible to relocate the child to the Police Department, have the caseworker respond to the department. In any case, the child is the responsibility of the responding officer until he/she has been turned over to CYFD.
5. Also refer to OPR 6 Special Operations, Search & Rescue

## **VII. ATTACHMENTS:**

**A. Juvenile Rights Form**

**B. Probable Cause Determination Form**